



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

May 10, 2004

Mr. Mark Davidson
Design Consultants Group, LLC
18072 Davidson Drive
Milton, DE 19968

RE: PLUS review – PLUS 2004-04-03; Dataguard

Dear Mr. Davidson:

Thank you for meeting with State agency planners on April 21, 2004 to discuss the proposed plans for the Data Guard project to be located on the north side of Sussex CR 589A, .025 miles west of Route 13.

According to the information received, you are seeking a conditional use through Sussex County for a paper recycling plant on this site.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land; the developers will need to comply with any and all regulations/restrictions set forth by the County.

This office has received the following comments from State agencies:

State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685

The applicant should provide landscaping on the west edge of the property, as was shown on their plans at the PLUS meeting. This will provide a buffer to the property which has a potential historic house and a cemetery.

There is also a high probability for archaeological sites in the project area.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

DelDOT noted that they commented to Sussex County on September 8, 2004 that they did not recommend a traffic impact study be done for this proposal.

When reviewing the entrance plans, it was noted that DelDOT will evaluate the need for improvements to Greenwood Road between Route 13 and First Street and they may require repaving or widening by less than a lane width as part of the entrance construction.

Your engineer should coordinate with the DelDOT Subdivision Manager, Mr. John Fiori, to determine what will be required with regard to access. Mr. Fiori may be reached at 302-760-2260.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-3091

Soils

The following is a summary of mapped soils found within the proposed construction area and are grouped on the basis of drainage class:

- Excessively well drained - Evesboro
- Well drained - Sassafras
- Moderately well drained - Woodstown
- Poorly drained (**hydric**) – Fallsington
- Very poorly drained (**hydric**) – Pocomoke

Evesboro is an excessively well-drained soil that has moderate limitation on account of its rapid permeability. Sassafras is a well-drained upland soil with few limitations for development. Woodstown is a moderately well-drained soil of low-lying upland that has moderate limitations for development. Fallsington and Pocomoke are poorly to very poorly drained wetland associated hydric soils.

Wetlands

According to Delaware's Statewide Wetland Mapping Project (SWMP) maps, palustrine forested and palustrine scrub-shrub wetlands were mapped on subject parcel.

The applicant should be reminded that they must avoid construction/filling activities in those areas containing wetlands or wetland associated hydric soils as they may be subject to regulatory provisions under the Federal 404 Clean Water Act governing jurisdictional wetlands. **It is highly recommended that a wetlands delineation be conducted on subject parcel.**

Although the presence of jurisdictional wetlands (i.e., criteria defined by the 1987 ACOE Wetlands Delineation Manual) can not always be predicted with complete assurance from the existing wetland and hydric soil mapping, a close association between mapped and field conditions is often apparent. However, the vagaries of wetlands mapping presents some difficulty when one tries to translate map polygon lines (i.e., SWMP and soil survey mapping units) that encompass large land areas containing considerable on-the-ground variability. Furthermore, these maps were never intended for use as assessments of regulatory jurisdiction, but as a management tool to inventory existing land resources. Therefore, neither the SWMP mapping nor the soil survey should be construed as a substitute for a wetlands delineation.

It is also recommended that the Farm Services Agency of the USDA be contacted to assess whether the farmed wetlands on subject parcel meet the recognized criteria for classification as “prior converted wetlands.” Prior converted wetlands are farmed wetlands that have drained or altered before December 23, 1985, and no longer meet the wetland criteria established under the 404 program. Such wetlands are considered exempt from regulatory protection provided that there is no proof of a continuous “fallow period” of five years or greater in that parcel’s cropping history. Parcels converted after said date regardless of cropping history are considered jurisdictional by the Army Corps of Engineers (ACOE). The contact person for assessing a parcel’s cropping history is Sally Griffin at the USDA – she can be reached at 678-4182.

ERES Waters

This project is located adjacent to environmentally sensitive receiving waters of the Chesapeake Bay Watershed; designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 11.5 of Delaware’s “Surface Water Quality Standards” (as amended August 11, 1999), specify that all designated ERES waters and receiving tributaries develop a “pollution control strategy” to reduce non-point sources of nutrient runoff through implementation of Best Management Practices (BMPs). Best Management Practices as defined in subsection 11.5(e) of this section, expressly authorizes the Department to provide standards for controlling the addition of pollutants and reducing them to the greatest degree practicable, or where attainable, a standard requiring no discharge of pollutants.

TMDLs

With the adoption of Total Maximum Daily Loads (TMDLs) as a “nutrient-runoff-mitigation strategy” for reducing nutrients in the Nanticoke Watershed, a reduction of 30% for nitrogen and 50% phosphorus loading to the surface water are required. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited water body” can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water

and shell fish harvesting. In the Chesapeake Watershed, “target-rate-reductions” of 30 and 50 percent will be required for nitrogen and phosphorus, respectively.

Although TMDLs are authorized under federal code, states are charged with developing and implementing standards to support those desired use goals. The Jurisdictional authority for attaining these use goals fall under the auspices of Section 11.5 of the State of Delaware’s Surface Water Quality Standards (as amended August 11, 1999), and will be achieved by means of nutrient reductions referred to as “pollution control strategies.”

In order for the applicant to verify compliance with the TMDL mandate, a full nutrient accounting process known as nutrient budget should be prepared. The developer/consultant should contact Lyle Jones (739-4590) in the Department’s Watershed Assessment Section for further information regarding the acceptable protocol for calculating a nutrient budget.

The developer is encouraged to employ BMPs (or other pollution control strategies) such as stormwater management and riparian buffers to mitigate nutrient runoff into adjoining streams or watercourses. **A 100-foot minimum isolation distance is recommended from all wetlands or waterbodies.**

State Fire Marshal’s Office – Contact: Kevin McSweeney 739-3696

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal’s Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Since the structures of the complex are proposed to be served by individual on-site wells (No Central Water System), set back and separation requirements will apply.

b. **Fire Protection Features:**

- For commercial buildings greater than 5000 SqFt, a fire alarm signaling system which is monitored off-site is required
- For commercial buildings greater than 10,000 SqFt Class B (2-hour rated) fire barriers are required to subdivide buildings into areas of 10,000 SqFt. or less
- Buildings greater than 10,000 sq.ft., 3-stories or more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements

c. Accessibility:

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road from Greenwood Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

d. **Gas Piping and System Information:**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Mark Davis 739-4811

This site is next to a 295 acre permanently preserved Ag preservation district (Emerson District #1). There is a 50 ft. setback required from the edge of the district.

Public Service Commission - Contact: Kevin Neilson 739-4247

There is no existing CPCN on file. An existing well is fine and required no DEPSC action, providing you go through DNREC and Public Health.

Any future closed system gas service, whether natural or central propane will have to comply with pipeline safety requirements.

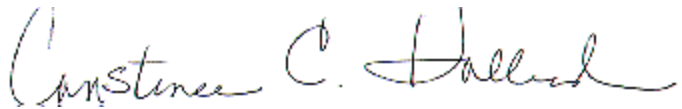
Delaware Economic Development Office – Contact: Dorrie Moore 739-4811

The Delaware Economic Development Office supports this industrial project in Sussex County. The project will be in an AR1 zoning with a conditional use application. The only concern is that the development should buffer this business from the surrounding residential areas to eliminate complaints of industrial activity.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in dark ink, appearing to read "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being more prominent.

Constance C. Holland, AICP
Director

CC: Town of Greenwood